

ARTICLE 109-02

PEACE OFFICER STANDARDS

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CHAPTER 109-02-01 GENERAL PROVISIONS

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109-02-01-01. Definitions. The terms used throughout this article have the same meaning as in the North Dakota Century Code except:

1. "Agency" means a criminal justice agency of the state of North Dakota or one of its political subdivisions that employs peace officers.
2. "Auxiliary personnel" means personnel utilized by a municipal, county, or state law enforcement agency to provide service to that jurisdiction on a nonsalaried basis. Auxiliary personnel may be members of organized groups, including posse, search and rescue, and security at dances, who operate adjunct to a police or sheriff's department and who do not have arrest powers or peace officer authority.
3. "Basic law enforcement training course" means a board-certified entrance-level training course based on performance objectives essential for law enforcement in the state of North Dakota.
4. "Basic part-time law enforcement training course" means a board-certified entrance-level training course based on performance objectives essential for part-time licensed peace officers in the state of North Dakota.
5. "Certified instructor" means an instructor certified by the board to instruct law enforcement subjects.

6. "Certified training course" means a course of training that has been approved by the board.
7. "College credits" means credits earned for studies satisfactorily completed at an accredited institution of higher learning in a program leading to an academic degree.
8. "Criminal justice agency" means a unit of government of the state of North Dakota or one of its political subdivisions charged by law with criminal law enforcement duties.
9. "Duty equipment" means the equipment issued or approved by the peace officer's employing agency and normally carried by a peace officer in the performance of the peace officer's duties.
10. "Duty weapon" means the sidearm issued or approved by the peace officer's employing agency and normally carried by the peace officer in the performance of the peace officer's duties.
11. "In-service training" refers to a certified training program conducted by an agency for peace officers employed by the agency.
12. "Law enforcement training academy" means the highway patrol law enforcement training center.
13. "License requirement" means any term, condition, or requirement established by the board that must be met before the board may issue, renew, or reinstate a peace officer's license.
14. "Moral turpitude" means conduct contrary to justice, honesty, modesty, or good morals.
15. "Part-time peace officer" means a public servant who has a part-time peace officer license and is employed or appointed by a criminal justice agency of the state of North Dakota or one of its political subdivisions to enforce the law or to conduct or engage in investigations or prosecutions for violations of law within the scope of the part-time peace officer's training.
16. "Peace officer" means a salaried public servant employed by a criminal justice agency of the state of North Dakota or one of its political subdivisions to enforce the law or to conduct or engage in investigations or prosecutions for violations of law.
17. "Peace officer license" means a license issued by the board and includes a part-time peace officer license.

18. "Reserve officer" means any person utilized by a criminal justice agency to provide service in that jurisdiction on a nonsalaried basis and who may be granted full arrest authority.
19. "Salaried peace officer" means a peace officer who is employed by a criminal justice agency and who receives regular compensation on a weekly, biweekly, semimonthly, or monthly basis.
20. "School" means a facility, agency, or academy that conducts board-certified basic, advanced, and specialized peace officer training courses.
21. "Sidearm" means a handgun, including a semiautomatic handgun or revolver, carried by a peace officer.
22. "Weapon" includes a handgun, shotgun, and rifle.

History: Effective October 1, 2004; amended effective July 1, 2006.

General Authority: NDCC 12-63-02.1(7), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-04

109-02-01-01.1. Application of chapter to part-time peace officer license. The provisions of this chapter apply to part-time peace officers' licenses and peace officers who have been issued a part-time peace officer license unless otherwise provided for in this chapter.

History: Effective July 1, 2006.

General Authority: NDCC 12-63-02.1(7)

Law Implemented: NDCC 12-63-02.1

109-02-01-02. Background investigation required.

1. The agency administrator shall conduct a background investigation when the agency hires a person to perform peace officer duties. The agency administrator shall file a copy of the completed background investigation on a form provided by the board. In addition to the form required, the agency shall require that each person submit a complete set of the person's fingerprints and all other information necessary to complete a state and nationwide criminal history record check with the bureau of criminal investigation for state processing and filing with the federal bureau of investigation for federal processing.
2. A school shall conduct a background investigation on each enrollee in the school, unless the enrollee has a limited license or is attending the law enforcement training academy. The school shall file a copy of the completed background investigation on a form provided by the board. In addition to the form required, the school shall require each enrollee to submit a complete set of the enrollee's fingerprints and all other information necessary to complete a state and nationwide criminal

history record check with the bureau of criminal investigation for state processing and filing with the federal bureau of investigation for federal processing.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(a), 12-63-06(2)

109-02-01-03. Minimum license requirements. An applicant for a peace officer license:

1. Must be a United States citizen, or in resident alien status, as defined by United States bureau of citizenship and immigration services laws and regulations.
2. Must be a high school graduate or have a general educational development (GED) certificate.
3. Must not have pled guilty to or have been convicted in any state or federal court for any felony, crime of moral turpitude, crime of domestic violence, or any other offense that has a direct bearing on the applicant's ability to serve as a peace officer.
4. Must not be prohibited from using or possessing a firearm under state or federal law.
5. Must have a valid driver's license.
6. Must have undergone a background investigation by the employing agency and have fingerprint clearance from the North Dakota bureau of criminal investigation and the United States department of justice federal bureau of investigation.
7. Must have been administered a board-approved medical and psychological examination.
8. Must be employed as a salaried peace officer by a criminal justice agency, or for a part-time peace officer license, employed or appointed by a criminal justice agency.
9. Must submit all required documentation and application materials to the board.

History: Effective October 1, 2004; amended effective July 1, 2006.

General Authority: NDCC 12-63-02.1(7), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-04

109-02-01-04. Other license requirements.

1. In addition to other requirements of law when an agency employs or appoints a person as a peace officer, the agency administrator shall verify that the person meets the requirements of the board. The agency shall also forward a record of that peace officer's previous training and law enforcement experience to the board.
2. A person may not legally exercise the authority of a peace officer unless the board has issued a license or a limited license and the person is employed by a criminal justice agency as a salaried peace officer, or the person meets one of the exceptions of North Dakota Century Code section 12-63-03, or the person has been employed or appointed by a criminal justice agency as a part-time peace officer and the board has issued a part-time peace officer license to the person.
3. Only a salaried peace officer that has a limited license may attend the basic law enforcement training course at the law enforcement training academy. The peace officer's employing agency shall submit a verified statement that the peace officer is a salaried peace officer of the agency in connection with the peace officer's application to attend the law enforcement training academy for the basic law enforcement training course and that the peace officer is receiving a salary while attending the law enforcement training academy.
4. Only a salaried peace officer may apply for a limited license or a peace officer license or take the licensing examination. The peace officer's employing agency shall submit a verified statement that the peace officer is a salaried peace officer of the agency in connection with the peace officer's application for a limited license, peace officer license, an application to take the licensing examination, or an application for renewal or reinstatement of a license.
5. A person employed or appointed by a criminal justice agency to be a part-time peace officer may attend the law enforcement training academy for the purpose of taking any part of the basic part-time law enforcement training course.
6. An agency that is employing or appointing a person to be a peace officer with a part-time peace officer license shall submit a verified statement to the board in connection with the person's application for a part-time peace officer license that the agency will employ or appoint the person to be a peace officer and that the applicant has completed the basic part-time law enforcement training course.

History: Effective October 1, 2004; amended effective July 1, 2006.

General Authority: NDCC 12-63-02.1(7), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-04(1), 12-63-06, 12-63-07, 12-63-09

109-02-01-05. Agency's responsibility.

1. Every agency shall provide or obtain the necessary training for its peace officers in order that its peace officers meet all board license requirements.
2. Every agency shall maintain records of training provided to its peace officers, including:
 - a. Curriculum.
 - b. Listing of instructors.
 - c. Attendance.
 - d. Test and examination scores.
3. Every agency shall notify the board when it hires a peace officer, when it terminates the employment of a peace officer, or when a peace officer resigns from employment with the agency.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04

109-02-01-06. Record of certified instructors and shooting courses.

The board shall maintain a record of certified instructors, certified training courses, and certified shooting courses.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(b)(d)

109-02-01-07. Waiver. The board may waive the requirements of any of the rules in this article upon a showing of good cause.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04

109-02-01-08. Additional agency requirements. This article establishes minimum standards and requirements for peace officers and does not preclude an agency from establishing additional or more stringent hiring and training requirements and ethical standards.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04

109-02-01-09. Hearings and appeals. Hearings must be in accordance with North Dakota Century Code chapters 28-32 and 54-57. An aggrieved person may waive the provisions of North Dakota Century Code chapters 28-32 and 54-57. Appeals must be in accordance with North Dakota Century Code chapter 28-32 and subsection 3 of North Dakota Century Code section 12-63-12.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04